

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

KELVIN D. MOORE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:05-CV-140-CDP
	)	
DAVID INMAN,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court upon reversal and remand from the United States Court of Appeals for the Eighth Circuit. See Moore v. Inman, No. 05-3984 (8th Cir. October 17, 2006).<sup>1</sup>

Plaintiff's claim that David Inman, an officer with the Caruthersville Police Department, searched his vehicle in violation of the Fourth Amendment survives review under 28 U.S.C. § 1915(e)(2)(B) and should not be dismissed at this time. Therefore, the Court will order defendant to reply to the complaint.

In accordance with the foregoing,

**IT IS HEREBY ORDERED** that the Clerk shall issue process or cause process to be issued upon the complaint.

**IT IS FURTHER ORDERED** that, pursuant to 42 U.S.C. § 1997e(g)(2), defendant shall reply to the complaint within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that, pursuant to the Court's

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<sup>1</sup>The mandate of the United States Court of Appeals for the Eighth Circuit issued on November 16, 2006 [Doc. #16].

differentiated case management system, this case is assigned to Track 5B (standard prisoner actions).

Dated this 28th day of November, 2006.

  
UNITED STATES DISTRICT JUDGE